
SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 299990N DATE: 8 May 2006
RESPONSE REQUIRED BY: 12 June 2006

PERMIT MANAGER: David A. Ammerman

PHONE: 707-443-0855

Email: David.A.Ammerman@spd02.usace.army.mil

1. **INTRODUCTION:** The Mercer, Fraser Company, P.O. Box 1006, Eureka, California 95502, through its agent, Natural Resources Management (NRM) Corporation (Contact Mr. Mark Benzinger of Mercer, Fraser Company at 707-599-6371) has applied for a U.S. Army, Corps of Engineers (Corps) permit to discharge fill below the Ordinary High Water of the Van Duzen River in connection with the extraction of gravel (in-stream gravel mining) from the river. The applicant requests a permit for a ten-year period to remove up to 50,000 cubic yards of gravel, sand and other aggregate products annually from the river by bar skimming and trench excavation with heavy equipment. The project site is located on the Dinsmore Bar, 2 miles east of the community of Dinsmore, in Trinity County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

Project Site: The project site is located on the Dinsmore Bar immediately south of Highway 36 at river mile 54 (parcel APN 18-44-02), approximately 2 miles east of the community of Dinsmore, in Trinity County, California. The project site is also located in the south half of Section 18, Township 1 North Range 6 East, Humboldt Meridian (HBM), Dinsmore USGS Quadrangle, and about a miles west of the Mad River Ranger Station (Six Rivers National Forest). A prominent gravel stockpile and processing site is visible from Highway 36 and takes up approximately

30 acres of river terrace adjacent to the right bank of the river. The gravel processing site contains aggregate stockpiles, screen plant/crusher, an office, scales, equipment storage and parking, settling ponds for process water and runoff control, and other miscellaneous facilities and structures.. An earthen or gravel berm separates the river from the processing plan, just above Ordinary High Water of the river (approximately 2,660 feet MSL).

Past and proposed extraction areas are located on the point or apex of a gravel bar along the right bank. These areas have undergone both relative shallow bar skimming and trenching operations (deeper cut into the river channel) side by side on the point bar. Downstream or west of the gravel extraction area and gravel stockpile is a rectangular trench feature, smaller than the proposed extraction, that appears to have been excavated in the past. A November 11, 2005 aerial photo shows this feature still open to the main channel. A review of past post-extraction data including surveyed cross sections indicates that approximately 181,000 cubic yards (CY) of sand and gravel was removed during the original 5-year permit authorization period (1997 -8,750 CY; 1998 – 30,000 CY; 1999 – 44,591 CY; 2000 – 31, 290 CY; 2001 - 17,200 CY; and 2002 – 48,940 CY estimated). The original Corps permit (issued on July 25, 1997) expired on December 31, 2002 and was extended for three years to December 31, 2005. Gravel extraction apparently occurred for several years prior to Corps involvement in Section 404 permitting with gravel extraction operations

(approximately 1996).

Since the time extension, approximately 35,190 CY of gravel was extracted from the Dinsmore Bar in 2003, 19,647 CY extracted for the year 2004, and for the year 2005 approximately 30,744 CY of gravel was extracted. The 2005 season included extraction at Extraction Areas 1 and 2 as described below in the project description. Past volumes extracted depended on amount of gravel recruited or replenished onto the bar during the winter high river flows. The applicant has a Trinity County Special Use Permit which allows extraction of up to 50,000 cubic yards of gravel annually from the Dinsmore Bar. Beginning in the 1998 Extraction Plan (Streamline Planning Consultants, June 26, 1998), the applicant's consultant stated that (from monitoring information including cross sections) the 1994 and 1996 trench excavation helped confine the resulting Van Duzen River channel in 1995 and 1997. The lack of trenching in 1995 and 1997 and the accumulation of gravels in this project area caused bank erosion. In 1998 and 1999, the gravel operator continued with excavating a 1,500 foot long by 100 foot wide by 12 foot deep trench as well as a separate skim excavation. The trenches are first skimmed, then the trench excavation continues deeper between 12 and 14 feet, as was the case with shorter trenches in the year 2000.

Project Description: As shown in the attached drawings and aerial photograph, the applicant plans to extract a maximum of up to 50,000 cubic yards total of sand, gravel and other aggregate, a portion of which would be removed from a rectangular trench excavation located adjacent to and parallel to river flow. An additional portion of gravel volume would be removed by bar skimming on the surface of the gravel bar. These are anticipated volumes based on the 2005 extraction season, but extraction surveys and calculations will be provided to the Corps for the 2006 season and the proposed volumes may change. The two extraction areas are immediately adjacent to

each other. Extraction area 1 (the trench site) would be located on the outside edge of the gravel bar. The applicant's gravel processing plant is located adjacent to the extraction area. Extracted gravel would be hauled a short distance on existing haul roads directly to the nearby gravel stockpiles and processing area. There may be a need to temporarily stockpile gravel on the river during extraction to drain the aggregate before delivering the material to the gravel crushing and processing plant. A summer crossing may be required in order to reach the outer extraction areas. The crossing would general consist of culvert backfilled with river run gravel. This crossing was not used for the 2004 or 2005 extraction. Depending on water flow, it may not be necessary to use a crossing for 2006.

Purpose and Need: The basic purpose of this project is to extract sand, gravel and other aggregate from the river for commercial sale. The overall purpose of the project is to remove gravel and other aggregate from the river, stockpile and process on site for eventual sale and use in public and private construction or maintenance projects located throughout the region (south Humboldt County into Trinity County at a minimum). This extraction is on going seasonally and the applicant expects to continue extraction during dry season and in low river flows indefinitely.

Impacts: The project would result in fill discharge in the riverbed due to post-extraction bar reclamation (grading of site to fill in depressions and grade gravel bar towards the river channel and in a downstream direction). The extraction activity would cover 1.96 acres of river bed for the trenching activity and 1.83 acres of river bed for the bar skimming extraction. Total mining activity on the river would be 3.79 acres of Corps jurisdictional waters below Ordinary High Water of the Van Duzen River.

Mitigation: The amount of gravel extracted from the Dinsmore Bar is determined by the amount of gravel recruited onto the extraction area during the winter

high flow periods. Extraction volumes should not exceed recruitment or replenishment volumes on the river bar. In order to prevent down cutting of the riverbed and lateral erosion of the riverbank, the proposed extraction depth is limited to a skim or excavation floor of no lower than 2,436 feet above Mean Sea Level (site elevation is well over 2,000 feet MSL). Actual extraction depth for both trenching and skimming activities have, in the past generally were no lower than 2,440 MSL

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. The lower Van Duzen River is critical habitat for the coho salmon (*Oncorhynchus kisutch*), steelhead (*O. mykiss*), and Chinook salmon (*O. tshawytscha*). All three of these salmonid species are listed as threatened under the ESA by NMFS. However, the

applicant and the Six Rivers National Forest have indicated that anadromous fish cannot migrate through the project area due to the presence of a natural downstream fish passage barrier. Steelhead adults can reach river mile 46 (Big Hole or Eaton Falls), approximately 8 miles downstream of the project. Coho and Chinook salmon can reach river mile 36 (Salmon Hole), approximately 18 miles downstream of the project area. While fish passage may not be possible past the project area, the project may have indirect impacts (likely remote events) on fisheries downstream due to flow of suspended sediment or pollutants from the project area. The NMFS will, therefore, be contacted by the Corps to confirm if Section 7 ESA consultation is needed for this project. Because of the distance to fish bearing portions of the Van Duzen River from the project site, the Corps would likely determine no effect on the three listed anadromous fish species and their critical habitat.

Magnuson-Stevens Fisheries Conservation and Management Act: The NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. The lower Van Duzen River is EFH for coho salmon and Chinook salmon. However, due to the distance and drop in elevation between the project site and the nearest natural fish passage barrier (8 miles), the Corps would likely determine the project would have no effect on EFH. Coordination with the NMFS in regard to EFH will be initiated concurrently with the ESA consultation, if necessary.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence

that he has submitted a valid request for State water quality certification to the California Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume that water quality certification has been obtained if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403; by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. The Dinsmore gravel extraction site is approximately 50 miles upstream of the Coastal Zone (usually defined as the Highway 101 Bridge over the Van Duzen River) and is therefore, neither within Coastal Zone nor in California Coastal Commission permit jurisdiction.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no

historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

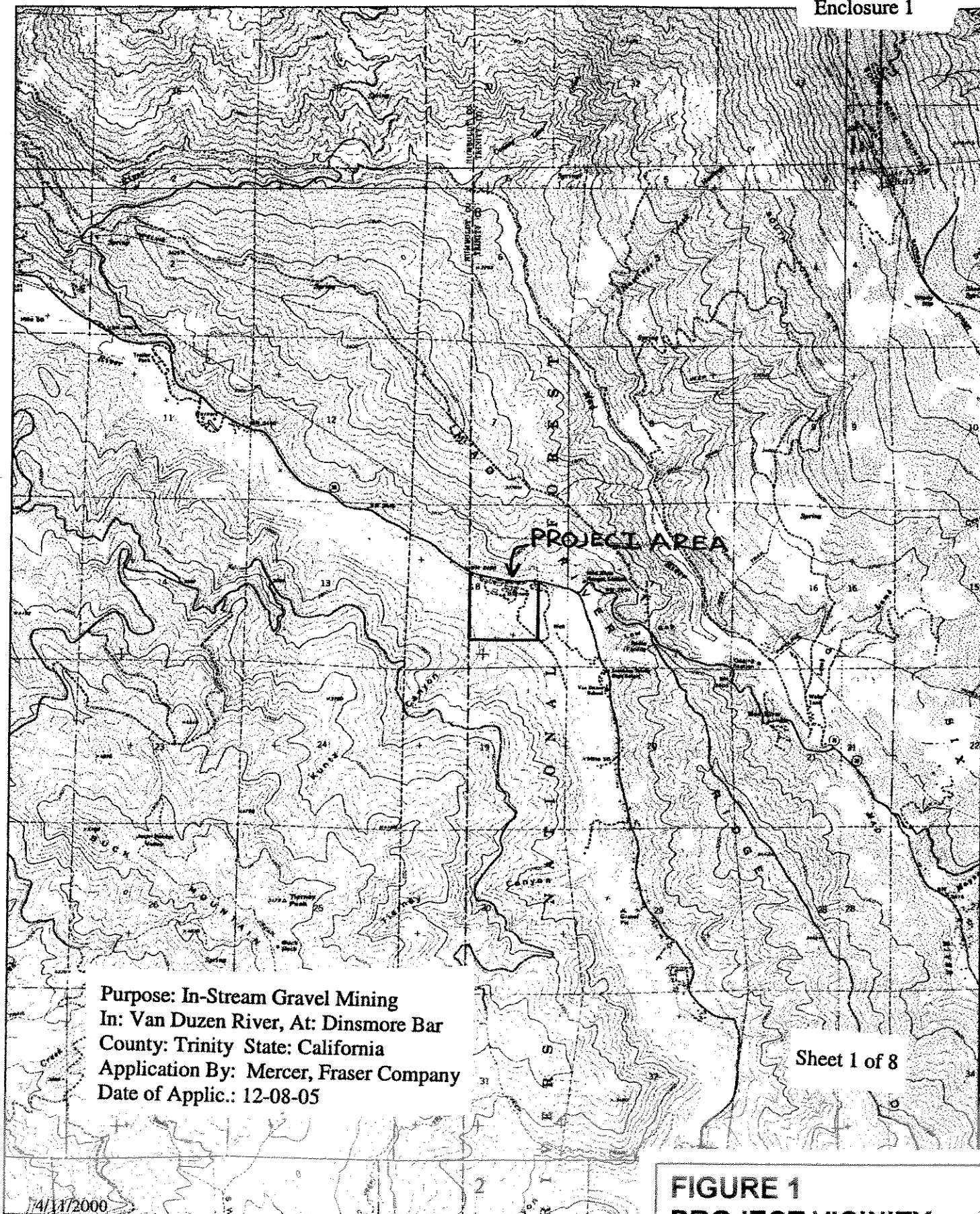
4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment

and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

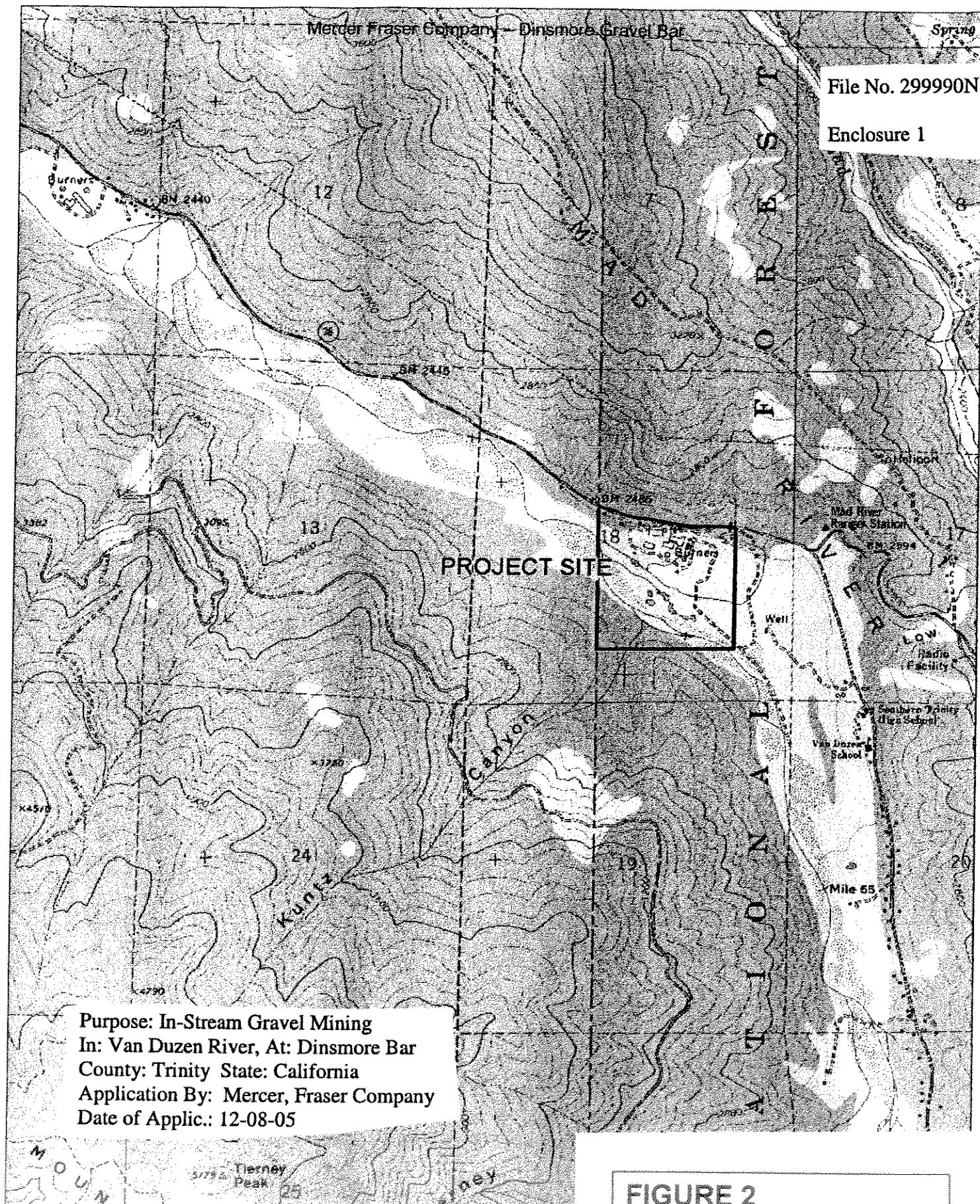
6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the Regulatory Branch, Eureka Field Office, P.O. Box

4863, Eureka, California 95502. It is the Corps policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Mr. David Ammerman of our Eureka Field Office at telephone 707-443-0855 or E-mail: David.A.Ammerman@spd02.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.



Purpose: In-Stream Gravel Mining
 In: Van Duzen River, At: Dinsmore Bar
 County: Trinity State: California
 Application By: Mercer, Fraser Company
 Date of Applic.: 12-08-05

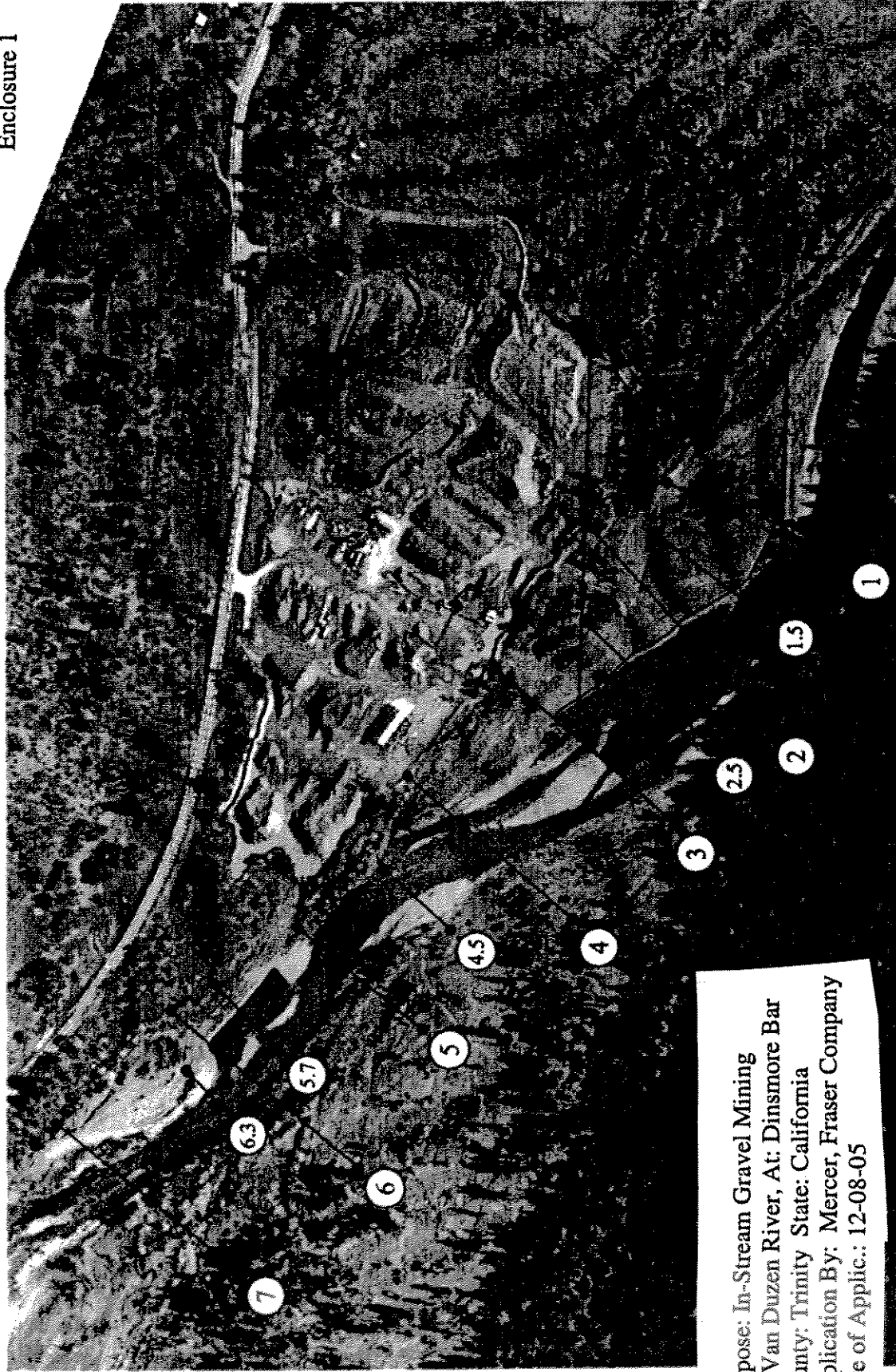
FIGURE 1
PROJECT VICINITY



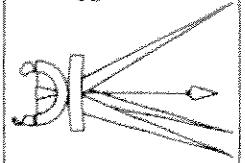
Purpose: In-Stream Gravel Mining
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FIGURE 2
PROJECT LOCATION

Enclosure 1



Purpose: In-Stream Gravel Mining
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Sousa Land Surveys

tel 707.425.4300 fax 707.425.4300
 3809 Rollingwood Dr. Fairfield, CA 94534



400 200 0 400
 IF PHYSICAL DISTANCE ACROSS SCALE
 BAR IS NOT EXACTLY TWO (2) INCHES,
 ADJUST SCALE ACCORDINGLY.

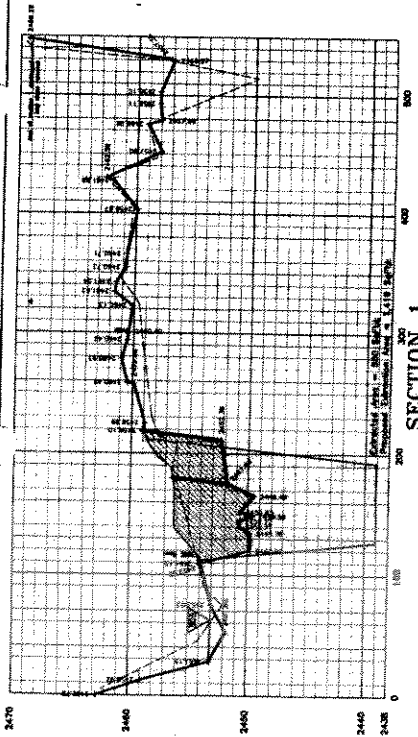
MERCER, FRASER CO. - DINSMORE

2005 POST EXTRACTION PLAN

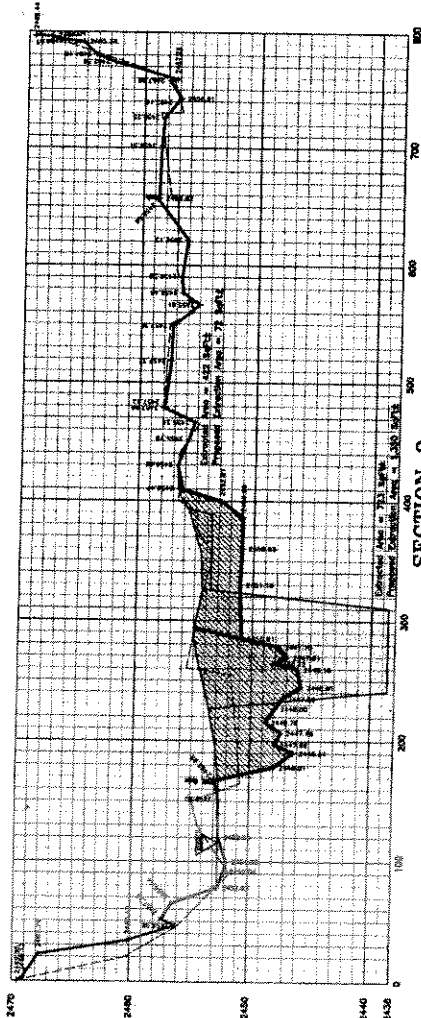
Photo Date: November 11, 2005

DISCHARGE AT BRIDGEVILLE G.S.

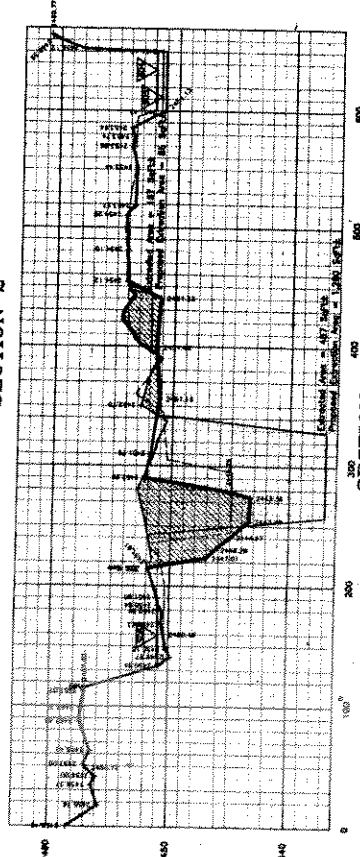
G.H. = 1.90'; Q = 219 cfs



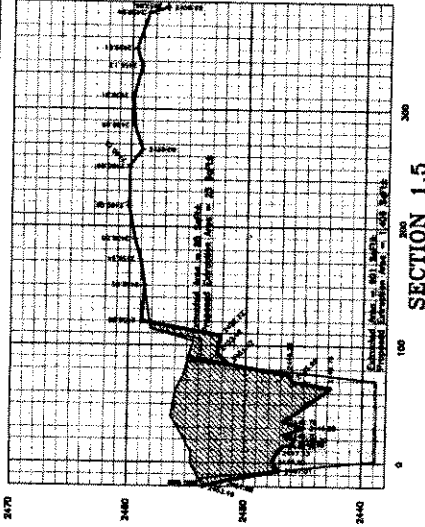
SECTION 1



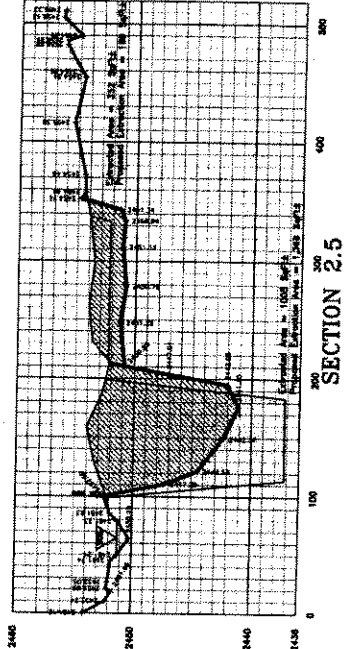
SECTION 2



SECTION 3



SECTION 1.5



SECTION 2.5

Discharge Information Measured at the Bridgeville G.R.

Post Extraction (October 22, 2004)

Q = 30 cfs, G.R. = 1.12'

Pre Extraction (August 02, 2004)

Q = 24 cfs, G.R. = 1.20'

Post Extraction 2004

Uses Not Defined Between Points

Water Level w/ Season & Year Designation

High Water Mark:
December 8, 2004, Q = 15,500 cfs, (daily mean)
February 17, 2004, Q = 20,000 cfs, G.R. = 14.27'
February 18, 2004, Q = 20,000 cfs, G.R. = 14.27'
January 6, 2002, Q = 15,700 cfs, G.R. = 15.89'
March 5, 2001, Q = 6,450 cfs, G.R. = 6.15'
February 14, 2000, Q = 20,500 cfs, G.R. = 13.35'

0 100 200
HORIZONTAL SCALE IN FEET

Horizontal Scale 1" = 100'
Vertical Scale 1" = 10'

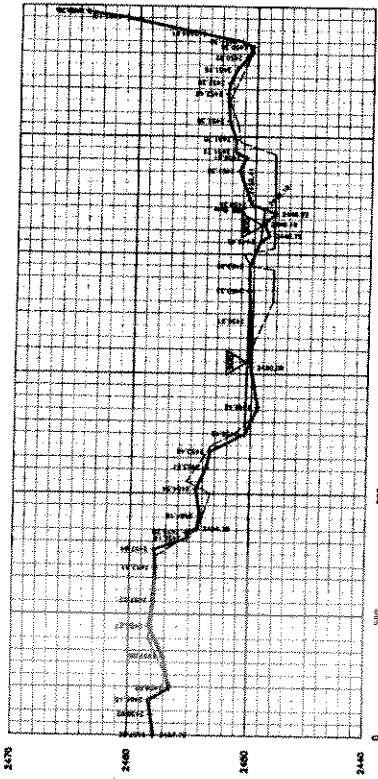
Van Duzen River, River Mile 54.2

APN 19-044-02 & 03 Trinity County

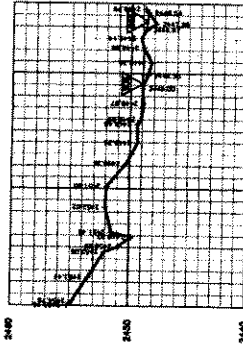
GRAVEL BAR CROSS SECTIONS	
for	
MERCER, FRASER COMPANY	
SEE 1/4 of SECTION 1A, 1.1A, 1.2A, 1.3A, 1.4A	
DATE	1/14/05
BY	J. H. HARRIS
CHECKED BY	J. H. HARRIS
APPROVED BY	J. H. HARRIS
SCALE	1" = 100'
VERTICAL SCALE	1" = 10'
PROJECT NO.	299990N
SHEET NO.	8

Purpose: In-Stream Gravel Mining
In: Van Duzen River, At: Dinsmore Bar
County: Trinity State: California
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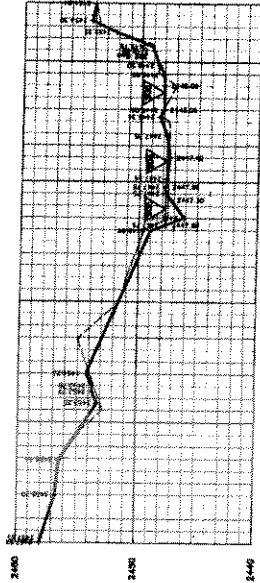
Enclosure 1



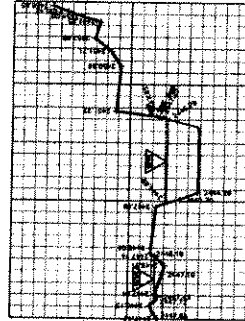
SECTION 4



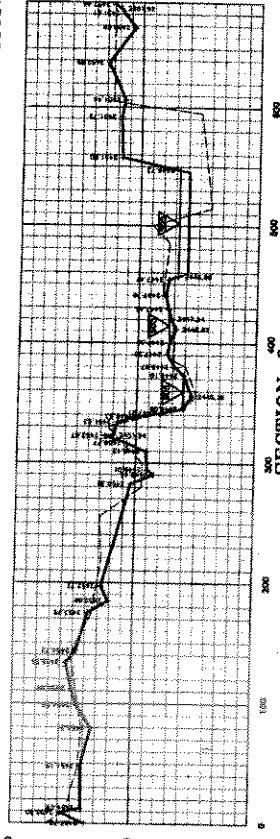
SECTION 4.5



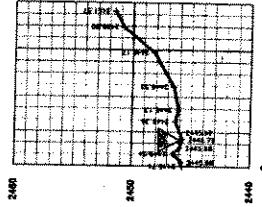
SECTION 5



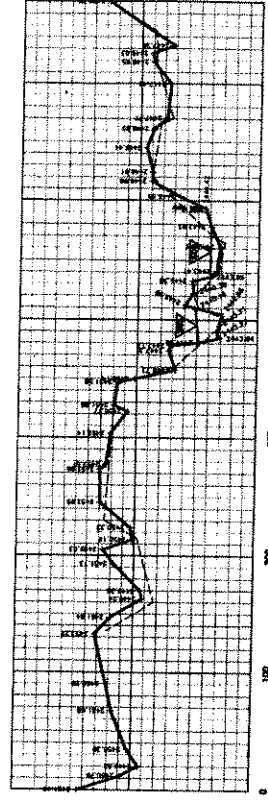
SECTION 5.7



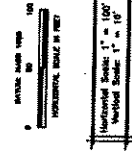
SECTION 6



SECTION 6.3



SECTION 7



Discharge Information Measured at the Bridge/da O.S.

Pre Extraction (August 08, 2005)

Pre Extraction 2004

Post Extraction 2004

Line Not Defined Between Points

Water Level w/ Season & Year Designation

High Water Mark

January 14, 2005, Q = 12,000 cfs (daily mean)

February 17, 2005, Q = 12,000 cfs (daily mean)

December 16, 2005, Q = 12,000 cfs (daily mean)

January 6, 2006, Q = 12,000 cfs (daily mean)

February 14, 2006, Q = 12,000 cfs (daily mean)

Van Duzen River Mile 54±

APN 18-044-02 & 03 Trinity County

GRAVEL BAR CROSS SECTIONS

MERCER, FRASER COMPANY

SEE 1/4 OF SECTION 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

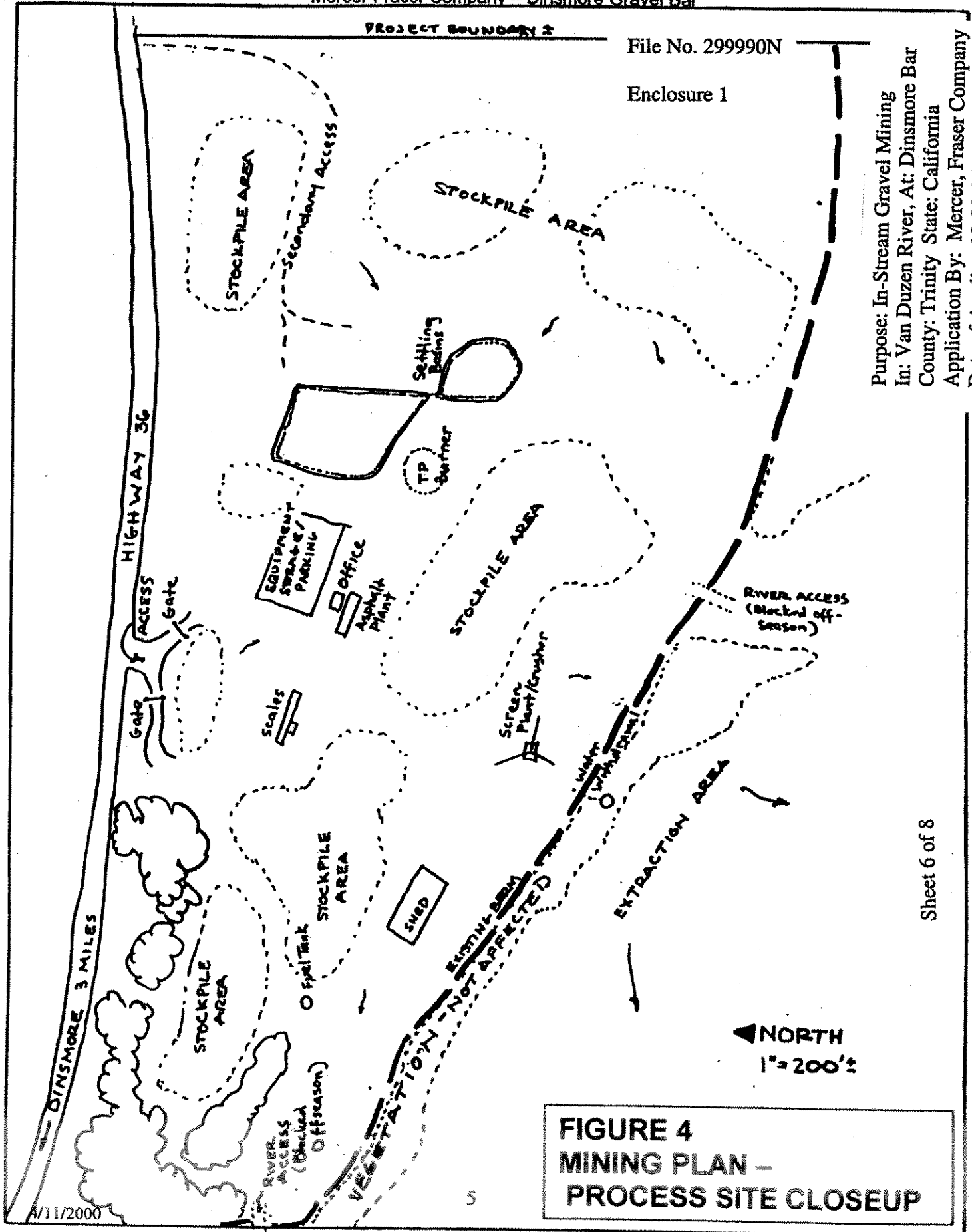
Purpose: In-Stream Gravel Mining
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PROJECT BOUNDARY ±

File No. 299990N

Enclosure 1

Purpose: In-Stream Gravel Mining
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File No. 299990N

Enclosure 1

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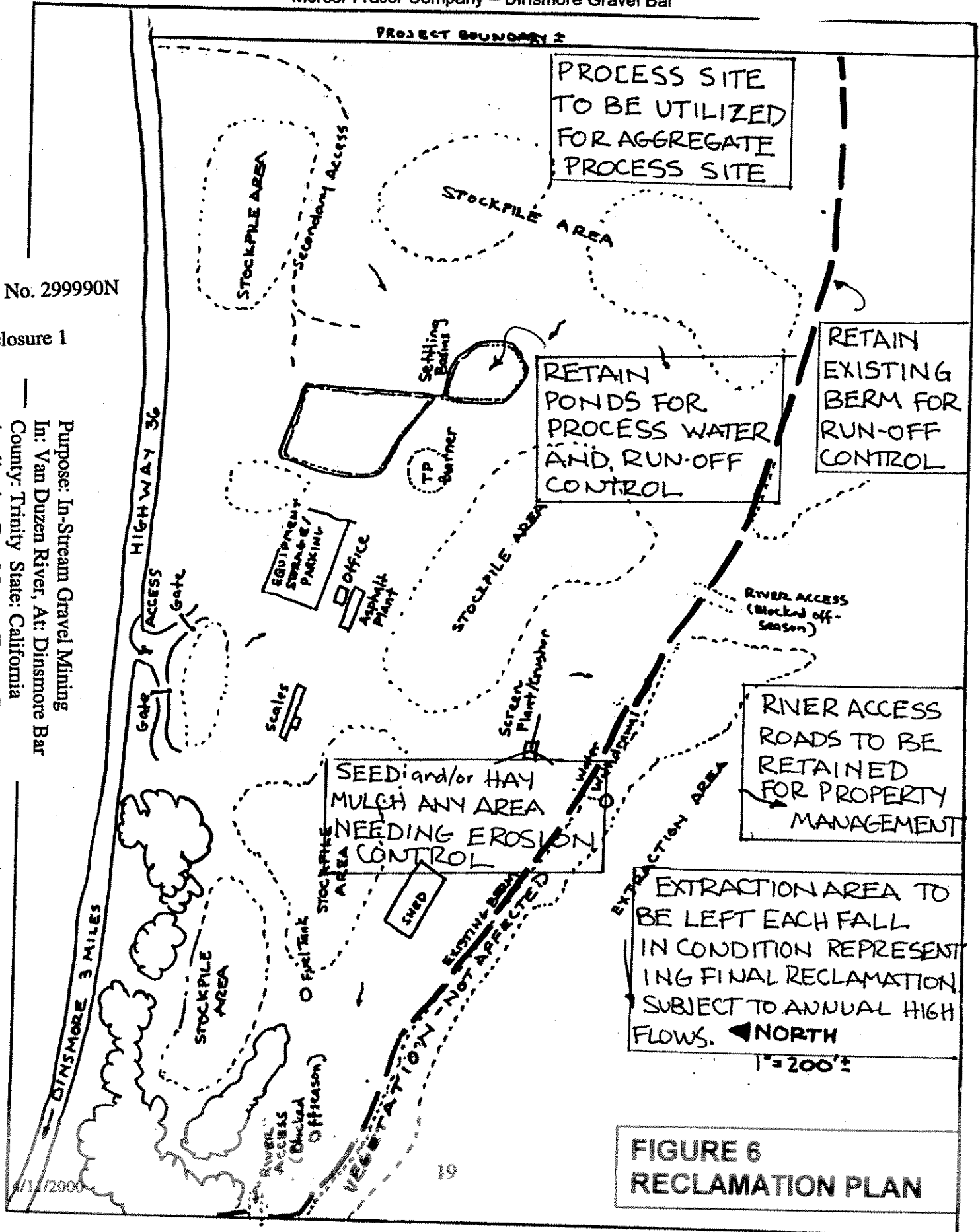
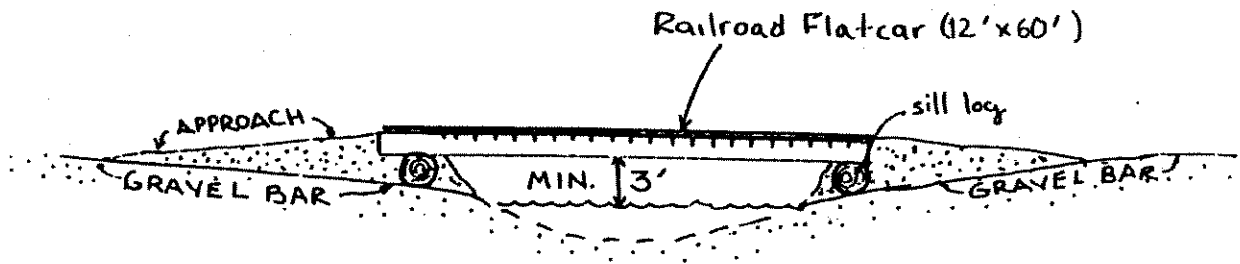
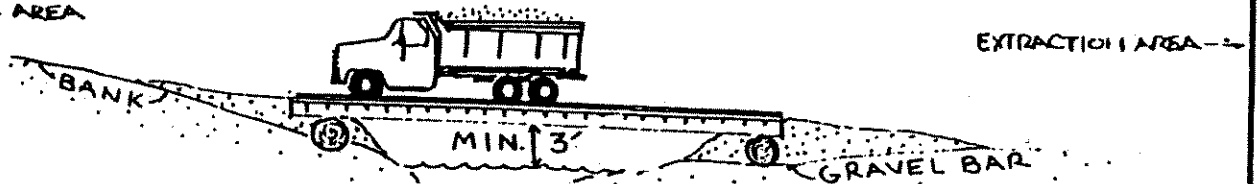


FIGURE 6
RECLAMATION PLAN

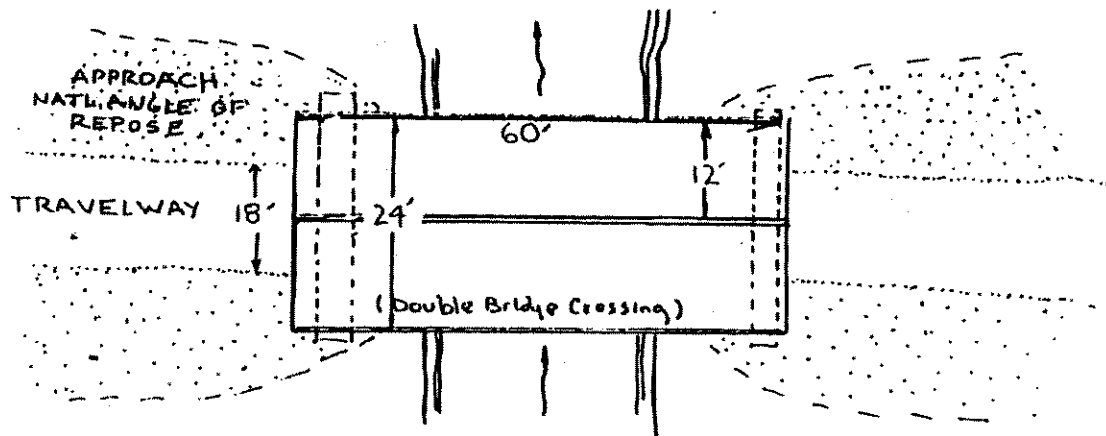


SECTIONAL VIEWS

← PROCESSING AREA



EXTRACTION AREA →



PLAN VIEW

Purpose: In-Stream Gravel Mining
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 County: Trinity State: California
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NTS

Sheet 8 of 8